

3. Remarks

The Examiner has rejected pending claims 1 and 3-20. The applicant has amended claims 1, 9, and 16. Claim 12 has been cancelled. No claims are currently being added.

A. Claim Rejections—35 U.S.C. § 103 (claims 1, 3- 7, and 9-19)

The Examiner has rejected claims 1, 3-7, and 9-19 as being unpatentable over US2004/0019794 to Moradi et al. in view of U.S. 6,263,330 to Bessette. The applicant respectfully traverses this rejection for the following reasons.

The Examiner has cited Moradi et al. for the teaching of a unique prescription identifier. What Moradi et al. actually teaches, however, is simply a number assigned by a pharmacy when it fills a prescription, which is well known in the art. These numbers are quite distinct from the prescription identifier of the present invention because of the way they are used and how and where they are assigned. Pharmacies assign prescription numbers when they fill prescriptions in order to track prescriptions for the particular patients they serve. By contrast, the present invention is directed to a prescription identifier created by a central source independent of the pharmacies; this prescription identifier is capable of uniquely identifying a prescription document in a database that includes prescription documents that may be received from various different sources and filled by various different pharmacies. This prescription identifier is thus assigned for the purpose of tracking documents within a global database; it has nothing to do with the medication prescribed or the prescription itself. It is assigned at a central location—not by individual pharmacies—and thus can be globally unique.

In fact, it may be seen that the prescription identifier of the present invention could not be assigned by individual pharmacies, since the prescription identifier is assigned as the prescription information is added to the registry system, potentially before the patient has even decided which pharmacy it wishes to utilize in filling the prescription.

As the Examiner noted, Moradi et al. teaches at paragraph [0199] that "[t]he PMS [pharmacy management system] of the exemplary embodiment provides a prescription number that uniquely identifies this prescription order." Although the term "unique" is used here, it is clear from the context that this prescription number is unique *only with respect to a particular pharmacy*. The prescription assigned by a particular pharmacy, according to Moradi et al., is not unique with respect to any other pharmacies, or the system as a whole. The "PMS" in Moradi et al. is specifically taught to be a "conventional Pharmacy Management System (PMS)...." See paragraph [0199]. These systems are widely used today to track prescriptions, but the tracking only takes place internal to the pharmacy. These systems would be incapable of distinguishing prescriptions in a database containing prescriptions that may be filled by many different pharmacies, because there is no identifier that would universally distinguish such documents. Each individual pharmacy has no knowledge of what prescription numbers are being assigned by other pharmacies as they fill prescriptions. The result is that one pharmacy may use the exact same number to track a prescription that a different pharmacy uses for a different prescription. The formats of their tracking numbers may be different or even inconsistent. This

of course causes no difficulties in prior art systems such as taught by Moradi et al., since there was no effort being made to, within a single global database, keep track of prescriptions filled by various different pharmacies. But this type of prescription number could not be used to uniquely identify prescriptions filled by different pharmacies within the same database, since the same number could appear on more than one prescription document, resulting in a conflict.

In contrast to the system taught by Moradi et al., where the "unique" prescription number is unique only with respect to a particular pharmacy and therefore would be useless to distinguish prescriptions in a multi-source database, the present invention is directed to a prescription identifier that is unique across all prescription documents in the multi-source database, regardless of who the patient is, what the medication is, or which pharmacy fills the patient's prescription. This is possible because in the present invention it is the central computer server—through its registry and/or database—that issues the unique prescription identifier, and stores the unique prescription identifier. The pharmacies have nothing to do with the generation or tracking of this prescription identifier. This prescription identifier is not dependent upon the data in the prescription itself or the medication that is prescribed or whether or not it is ever filled by a pharmacy; the prescription identifier is, rather, a means of uniquely identifying documents (e.g., prescriptions) in a database of documents from different sources (e.g., patients) held by the registry in a custodian function and made available to unrelated pharmacies. Once the pharmacy fills the prescription it has accessed from the registry, then the pharmacy reports that

back to the registry so that another unrelated pharmacy will not duplicate the filling and delivery of the prescribed medication in violation of the allowable times and frequency of the prescription . The language of the claims has been amended to make this distinction more clear. The cited combination neither teaches nor suggests this aspect of the present invention, and for this reason the applicant respectfully asserts that the relevant claims, as amended, are allowable.

B. Claim Rejections—35 U.S.C. § 103 (claims 8 and 20)

The Examiner has rejected claims 8 and 20 as being unpatentable over US2004/0019794 to Moradi et al. in view of U.S. 6,263,330 to Bessette and in view of US2004/0006490 to Gingrich et al. The applicant respectfully traverses this rejection for the following reasons.

Each of claims 8 and 20 are dependent upon one of the claims for which allowability was discussed above over Moradi et al. in view of Bessette. For the same reasons as presented above in connection with the claims from which these claims 8 and 20 depend, the applicant respectfully submits that the rejected claims are allowable.

C. Conclusion

With the amendments made herein and for the reasons provided above, the applicant asserts that all claims in the application are allowable, and reconsideration and allowance is therefore requested.

Respectfully submitted,

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/chuck dougherty/

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